

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper ~~121~~ 22

By: Trial Section Merits Panel  
Board of Patent Appeals and Interferences  
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Filed: April 21, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

NOVOZYMES NORTH AMERICA, INC.  
Junior Party  
(Application No. 09/735,787)

v.

GENENCOR INTERNATIONAL INC.  
Senior Party  
(Patent Nos. 6,162,782 & 6,107,265)

Patent Interference No. 105,155

MAILED

APR 21 2006

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Before: LEE, SPIEGEL and MOORE, Administrative Patent Judges.

SPIEGEL, Administrative Patent Judge.<sup>1</sup>

JUDGMENT - MOTIONS - Bd.R. 127

<sup>1</sup> As part of the Board's efforts under the Government Paperwork Elimination Act, signatures on papers originating from the Board are being phased out in favor of a completely electronic record. Consequently, in this case papers originating from the Board will not have signatures. The signature requirements for the parties have not changed. See e.g., 37 C.F.R. § 10.18.

**I. Order**

In view of the "DECISION - PRIORITY - Bd.R. 125(a)" (Paper 220) and for the reasons given therein, it is

ORDERED that priority as to Count 1 (Paper 1, p. 6), the sole count in the interference, is awarded against junior party GRETHE RASMUSSEN, JAN MOLLER MIKKELSEN, MARTIN SCHÜLEIN, SHAMKANT ANANT PATKAR, FRED HAGEN, CARSTEN MAILAND HJORT and SVEN HASTRUP (**Novozymes**) (see concurrent judgment);

FURTHER ORDERED that junior party GRETHE RASMUSSEN, JAN MOLLER MIKKELSEN, MARTIN SCHÜLEIN, SHAMKANT ANANT PATKAR, FRED HAGEN, CARSTEN MAILAND HJORT and SVEN HASTRUP (**Novozymes**) is not entitled to a patent;

FURTHER ORDERED that senior party KATHLEEN A. CLARKSON, EDWARD LARENAS, SHARON SHOEMAKER and GEOFFREY L. WEISS (**Genencor**) is not entitled to a patent containing claims 1-7 of U.S. Patent 6,107,265;

FURTHER ORDERED that senior party KATHLEEN A. CLARKSON, EDWARD LARENAS, SHARON SHOEMAKER and GEOFFREY L. WEISS (**Genencor**) is not entitled to a patent containing claims 1-18 of U.S. Patent 6,162,782;

FURTHER ORDERED that a copy of this paper shall be made of record in the files of U.S. application 09/735,787 and U.S. Patents 6,162,782 and 6,107,265; and

FURTHER ORDERED that if there is a settlement agreement which has not been filed, attention is further directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

	)	
<u>\ss\ Jameson Lee</u>	)	
JAMESON LEE	)	
Administrative Patent Judge	)	
	)	
	)	
<u>\ss\ Carol A. Spiegel</u>	)	BOARD OF PATENT
CAROL A. SPIEGEL	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
	)	
<u>\ss\ James T. Moore</u>	)	
JAMES T. MOORE	)	
Administrative Patent Judge	)	

cc (via overnight mail):

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